

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

E.M. and S.M.,

Plaintiffs-Appellants,

VS.

KENNEWICK SCHOOL DISTRICT,

Defendant-Appellee.

Case No. CV-14-5048-JPH and
CV-14-5049-JPH
now: CV-14-5048-JPH

ORDER CONSOLIDATING CASES AND SETTING SCHEDULE

ACTION REQUIRED

A telephonic scheduling conference was held in the above-entitled matters on

November 19, 2014. Diane Wiscarson and Elizabeth Polay participated on behalf of

Plaintiffs; Joni R. Kerr participated on behalf of Defendant. The parties have

consented to proceed before a magistrate judge. ECF No. 9. The Court on its own

motion ordered the cases consolidated and the parties stated they did not object.

The Court, having reviewed the documents in the file and discussed the adoption of

a scheduling order with counsel, now enters the following scheduling order:

IT IS ORDERED:

1. Pursuant to Rule 16 of the Federal Rules of Civil Procedure, this schedule

“shall not be modified except upon a showing of good cause and by leave [of the

[Court].” Fed. R. Civ. P. 16(f) provides for sanctions for failure to obey the

ORDER

1 Scheduling Order.

2 2. The parties are reminded to follow all Federal and Local Rules, in
3 particular, LR 7.1, which governs motion practice. **The Court may choose to**
4 **disregard any materials not timely filed and motions not noted for hearing in**
5 **compliance with the rules.**

6 Local Rule 7.1(f) will be strictly enforced. Motions for leave to file an
7 overlength brief must be filed and ruled on prior to filing the overlength brief.
8 Overlength briefs will be allowed only when good cause is shown, and the number
9 of pages requested should be included in any request.

10 3. All discovery shall be completed on or before **January 30, 2015**. THE
11 PARTIES SHALL FILE NO DISCOVERY EXCEPT THOSE PORTIONS
12 NECESSARY TO SUPPORT MOTIONS. All written discovery shall be served no
13 later than forty (40) days prior to the discovery cut-off date. Pursuant to LR 37.1(e),
14 where there are circumstances necessitating and allowing for an immediate ruling on
15 a discovery question which is not excessively complex or broad, the parties may
16 obtain such a ruling by contacting the Court at 1-877-336-1828 Access code:
17 3873484. The Court retains the discretion to require the filing of a formal written
18 motion and a determination of the same pursuant to the requirements of LR 7.1.

19 4. The case is referred for a settlement conference to be held **Thursday,**
20 **February 5, 2015** in Yakima, Washington before a judge to be determined.

ORDER

5. Plaintiff-Appellants (parents and students) shall file an opening trial brief by **February 23, 2015**.

6. Defendant-Appellee (School District) shall file a response by **March 9, 2015.**

7. Both parties may file an optional reply on or before **March 23, 2015**.

8. A final pretrial conference shall be held telephonically **Thursday, March 26, 2015 at 11:00 a.m.** The parties shall call the Court's conference line at 1-877-336-1828 Access code: 3873484 at the time scheduled for the conference. The parties should advise the Court one week in advance if they believe that an in-person pretrial conference would be appropriate.

9. The bench trial shall commence at 9:00 a.m. on **Monday, April 6, 2015** in Yakima, Washington. The parties estimate a trial length of 5 days.

The District Court Executive is directed to file this Order and provide copies to counsel.

DATED this 19th day of November, 2014.

S/ James P. Hutton

JAMES P. HUTTON

UNITED STATES MAGISTRATE JUDGE

ORDER